

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	Criminal No. 3:94-CR-042-D
VS.	§	
	§	
DERRICK DAMON RAINWATER,	§	
	§	
Defendant.	§	

MEMORANDUM AND ORDER

Defendant Derrick Damon Rainwater (“Rainwater”) filed on March 16, 2007 a motion to correct error in amended judgment in criminal case. The court denied the motion in an order filed March 19, 2007. Rainwater appealed, and the Fifth Circuit vacated the court’s order and remanded “for the limited purpose of correcting the Amended Judgment to conform with the orally pronounced sentence.” *United States v. Rainwater*, No. 07-10417, at 2 (5th Cir. Feb. 25, 2008) (per curiam).

The court has today filed a corrected amended judgment that conforms with the sentence that the court orally pronounced on August 12, 1994. As required by the Fifth Circuit, the corrected amended judgment corrects the amended judgment filed December 28, 1994. In doing so, the court has incorporated in the sentence and in the statement of reasons the partial sentence reduction that the court granted in an order filed July 26, 2005. Although the Fifth Circuit directed this court to “correct[ ] the Amended Judgment to conform with the orally pronounced sentence,” *id.*, there is no indication in the Fifth Circuit’s opinion that it intended that Rainwater not have the benefit of the partial sentence reduction that the court granted on July 26, 2005 in response to the retroactive application of Amendment No. 599. In fact, the Fifth Circuit recognized in its opinion that Rainwater “is currently serving a 1,117-month sentence,” *id.* at 1, and this sentence of 1,117 months

is in part the result of the court's July 26, 2005 order.

The Clerk of Court is directed to file this memorandum in this case.

**SO ORDERED.**

March 19, 2008.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE